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EXAMINER
GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/918,867	POWELL ET AL.
	Examiner	**Art Unit**	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-47</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-47</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3.   **Claims 1-3, 5-13, 15-20, 23-27, 29-36, 38-43 and 46-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Corlett et al. (US 5,832,060) in view of Guercio et al. (6,373,925).

Regarding **claim 1**, Corlett discloses a system for concatenated messaging (column 1, lines 6-10), (which reads on claimed "an apparatus for facilitating communications between a caller and a called party"), the apparatus comprising:

storage (60 on FIG. 2B) for storing a message (column 10, line 20 "information") for the called party (14 on FIG. 1) from the caller (14 on FIG. 1), and data concerning a telephone number (column 10, line 19 "telephone number") in association with the message for contacting the caller (column 10 lines 15-24) [The receiver stores information from the calling party identity and telephone number];

a switch (16 on FIG. 1) interface for causing an establishment of a first connection (column 10, line 31 "a first call") to deliver the message therethrough to the called party (column 10, lines 30-36) [The scheduler activates a first call to the called party]; and

a device (18 on FIG. 1) for detecting a signal generated by the called party (column 13, line 14 "receiving an input from the called party"), which indicates an initiation of a call to the caller(column 13, line 17 "placing a telephone call to the calling party"), in response to the detected signal, and causing an establishment of a second connection to the telephone number based on the retrieve data, the first connection being bridged to the second connection (column 13, lines 11-29) [The peripheral instruct the switch to provide the called party to be connected to the calling party].

Corlett fails to disclose the switch interface retrieving from the storage the data concerning the telephone number.

Guercio teaches the switch interface retrieving from the storage the data concerning the telephone number stored in association with the message (column 4, lines 24-42).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the control unit that search all entries of the table in the control memory for a telephone number of Guercio in the switch to extract the callback number of Corlett.

The modification of the invention would offer the capability of a control unit that search all entries of the table in the control memory for a telephone number such as the system would store telephone numbers and associated voice messages.

Regarding **claims 2 and 26**, Corlett discloses wherein the message is recorded by the caller (column 7, lines 26-33).

Regarding **claims 3 and 27**, Corlett discloses wherein a message identification is assigned to the message for association with the telephone number (column 10, lines 11-29).

Regarding **claims 5, 15, 23, 29, 38 and 46**, Corlett discloses wherein the telephone number is provided by the caller (column 10, lines 11-29).

Regarding **claims 6, 16, 24, 30, 39 and 47**, Corlett discloses wherein the signal

includes a DTMF signal (column 9, lines 6-20).

Regarding **claims 7**, Corlett discloses a voice response unit (18 on FIG. 1).

Regarding **claim 8**, Corlett discloses a system for concatenated messaging

(column 1, lines 6-10), (which reads on claimed "a messaging system") comprising:

storage for storing a message (column 10, line 20 "information") for a called party

(14 on FIG. 1) from a caller (12 on FIG. 1) whose call to a called station associated with

the called party was previously unanswered, and data concerning a telephone number

(column 10, line 19 "telephone number") in association with the message for contacting

the caller (column 10 lines 15-24) [The receiver stores information from the calling party,

identity and telephone number];

an interface for eliciting from the caller at least one preference concerning

delivery of the message (column 6, line 60 to column 7, line 4) [The peripheral plays a

first announcement to the calling party];

a switch (16 on FIG. 1) for establishing a first connection (column 10, line 31 "a

first call") to the called station to deliver therethrough the message in accordance with

the preference (column 10, lines 30-36) [The scheduler activates a first call to the called

party]; and

a device (18 on FIG. 1) for detecting a predetermined signal (column 13, line 14 "an input") from the called station, in response to the detected predetermined signal, and establishing a second connection (column 13, line 16 "an election") to a calling station associated with the stored telephone number based on the retrieve data, the first connection being bridged to the second connection (column 13, lines 11-29) [The peripheral instruct the switch to provide the called party to be connected to the calling party].

Corlett fails to disclose the switch interface retrieving from the storage the data concerning the telephone number.

Guercio teaches the switch retrieving from the storage the data concerning the telephone number stored in association with the message (column 4, lines 24-42).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the control unit that search all entries of the table in the control memory for a telephone number of Guercio in the switch to extract the callback number of Corlett.

The modification of the invention would offer the capability of a control unit that search all entries of the table in the control memory for a telephone number such as the system would store telephone numbers and associated voice messages.

Regarding **claims 9 and 32**, Corlett discloses wherein the preference includes a time range within which the message is delivered (column 10, lines 30-45)

Regarding **claims 10 and 33**, Corlett discloses wherein the number of attempts

to deliver the message is not greater than a predetermined maximum limit (column 10,

lines 30-45).

Regarding **claims 11, 18, 34 and 41**, Corlett discloses wherein the call was

unanswered due to a busy condition (column 7, lines 18-33).

Regarding **claims 12, 19, 35 and 42**, Corlett discloses wherein the call was

unanswered due to a ring-no-answer condition (column 6, lines 44-51).

Regarding **claims 13, 20, 36 and 43**, Corlett discloses wherein the call was

unanswered due to a communication problem (column 6, lines 44-51).

Regarding **claim 17**, Corlett discloses a system for concatenated messaging

(column 1, lines 6-10), (which reads on claimed "a communications system accessible

by a customer for obtaining information about a desired party"), the system comprising:

a server (18 on FIG. 1) for providing a destination telephone number (column 10,

line 19 "telephone number") for contacting the desired party (column 10 lines 15-24)

[The receiver stores information from the calling party, identity and telephone number];

a switch (16 on FIG. 1) for establishing a first connection to a destination station

(column 10, line 31 "a first call") associated with the destination telephone number

(column 10, lines 30-36) [The scheduler activates a first call to the called party];

a processor (40 on FIG. 3A) for monitoring signals (column 7, line 26 "an

indication") on the first connection (column 7, lines 26-33) [The processor for processing

an indication by the calling party];

an interface for prompting the customer to leave a message when a signal from

the first connection indicating that the destination station is not answering is detected

(column 6, line 60 to column 7, line 4) [The peripheral plays a first announcement to the

calling party];

storage (60 on FIG. 2B) for storing the message and data concerning a calling

telephone number (column 10, line 19 "telephone number") in association with the

message for contacting the customer, the switch establishing a second connection to

the destination station to deliver the message therethrough (column 10 lines 15-24)

[The receiver stores information from the calling party, identity and telephone number];

and

a device (18 on FIG. 1) for detecting a predetermined signal (column 13, line 14

"an input") from the destination station, the switch, in response to the detected

predetermined signal, and establishing a third connection to a calling station (column

13, line 16 "an election") associated with the calling telephone number based on the

retrieve data, the second connection being bridged to the third connection (column 13,

lines 11-29) [The peripheral instruct the switch to provide the called party to be connected to the calling party].

Corlett fails to disclose the switch interface retrieving from the storage the data concerning the telephone number.

Guercio teaches the switch retrieving from the storage the data concerning the telephone number stored in association with the message (column 4, lines 24-42).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the control unit that search all entries of the table in the control memory for a telephone number of Guercio in the switch to extract the callback number of Corlett.

The modification of the invention would offer the capability of a control unit that search all entries of the table in the control memory for a telephone number such as the system would store telephone numbers and associated voice messages.

Regarding **claim 25**, Corlett discloses a system for concatenated messaging (column 1, lines 6-10), (which reads on claimed "a method for facilitating communications between a caller and a called party"), the method comprising:

storing a message (column 10, line 20 "information") for the called party from the caller, and data concerning a telephone number (column 10, line 19 "telephone number") in association with the message for contacting the caller (column 10 lines 15-

24) [The receiver stores information from the calling party, identity and telephone

number];

causing an establishment of a first connection (column 10, line 31 "a first call") to

deliver the message therethrough to the called party (column 10, lines 30-36) [The

scheduler activates a first call to the called party];

detecting a signal (column 13, line 14 "an input") generated by the called party,

which indicates an initiation of a call to the caller (column 13, lines 11-19) [An input is

received from the called party to establish a call to the calling party];

in response to the detected signal, and causing an establishment of a second

connection to the telephone number based on the retrieve data (column 13, lines 11-29)

[The peripheral instruct the switch to provide the called party to be connected to the

calling party]; and

bridging the first connection to the second connection (column 13, lines 23-29)

[The peripheral instruct the switch to provide the called party to be connected to the

calling party].

Corlett fails to disclose the switch interface retrieving from the storage the data

concerning the telephone number.

Guercio teaches retrieving from the storage the data concerning the telephone

number stored in association with the message (column 4, lines 24-42).

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to use the control unit that search all entries of the table in the

control memory for a telephone number of Guercio in the switch to extract the callback number of Corlett.

The modification of the invention would offer the capability of a control unit that search all entries of the table in the control memory for a telephone number such as the system would store telephone numbers and associated voice messages.

Regarding **claim 31**, Corlett discloses a system for concatenated messaging (column 1, lines 6-10), (which reads on claimed "a method for use in a messaging system"), comprising:

storing a message (column 10, line 20 "information") for a called party

(14 on FIG. 1) from a caller (12 on FIG. 1) whose call to a called station associated with the called party was previously unanswered, and data concerning a telephone number (column 10, line 19 "telephone number") in association with the message for contacting the caller (column 10 lines 15-24) [The receiver stores information from the calling party, identity and telephone number];

eliciting from the caller at least one preference concerning delivery of the message (column 6, line 60 to column 7, line 4) [The peripheral plays a first announcement to the calling party];

establishing a first connection (column 10, line 31 "a first call") to the called

station to deliver therethrough the message in accordance with the preference (column

10, lines 30-36) [The scheduler activates a first call to the called party];

detecting a predetermined signal (column 13, line 14 "an input") from the called

station (column 13, lines 11-19) [An input is received from the called party to establish a

call to the calling party];

in response to the detected predetermined signal, retrieving from the storage the

data concerning the telephone number stored in association with the message and

establishing a second connection to a calling station associated with the stored

telephone number based on the retrieve data (column 13, lines 11-29) [The peripheral

instruct the switch to provide the called party to be connected to the calling party]; and

bridging the first connection to the second connection (column 13, lines 23-29)

[The peripheral instruct the switch to provide the called party to be connected to the

calling party].

Corlett fails to disclose the switch interface retrieving from the storage the data

concerning the telephone number.

Guercio teaches retrieving from the storage the data concerning the telephone

number stored in association with the message (column 4, lines 24-42).

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to use the control unit that search all entries of the table in the

control memory for a telephone number of Guercio in the switch to extract the callback

number of Corlett.

The modification of the invention would offer the capability of a control unit that

search all entries of the table in the control memory for a telephone number such as the

system would store telephone numbers and associated voice messages.

Regarding **claim 40**, Corlett discloses a method for concatenated messaging

(column 1, lines 6-10), (which reads on claimed "a method for use in a communications

system accessible by a customer for obtaining information about a desired party"), the

method comprising:

providing a destination telephone number (column 10, line 19 "telephone

number") for contacting the desired party (column 10 lines 15-24) [The receiver stores

information from the calling party, identity and telephone number];

establishing a first connection (column 10, line 31 "a first call") to a destination

station associated with the destination telephone number (column 10, lines 30-36) [The

scheduler activates a first call to the called party];

monitoring signals on the first connection (column 11, lines 12-22) [The call to the

called party is monitored for a busy signal];

prompting the customer to leave a message (column 7, line 28 "information")

when a signal (column 7, line 23 "a busy signal") from the first connection indicating that

the destination station is not answering is detected (column 7, lines 26-33) [The

processor for processing an indication by the calling party];

storing the message and data concerning a calling telephone number (column

10, line 19 "telephone number") in association with the message for contacting the

customer (column 10 lines 15-24) [The receiver stores information from the calling

party, identity and telephone number];

establishing a second connection (column 10, line 31 "a call") to the destination

station to deliver the message therethrough (column 10, lines 30-36) [The scheduler

activates a first call to the called party];

detecting a predetermined signal (column 13, line 14 "an input") from the

destination station (column 13, lines 11-19) [An input is received from the called party to

establish a call to the calling party];

in response to the detected predetermined signal, retrieving from the storage the

data concerning the telephone number stored in association with the message and

establishing a third connection to a calling station associated with the calling telephone

number based on the retrieve data (column 13, lines 11-29) [The peripheral instruct the

switch to provide the called party to be connected to the calling party]; and

bridging the second connection to the third connection (column 13, lines 23-29)

[The peripheral instruct the switch to provide the called party to be connected to the

calling party].

Corlett fails to disclose the switch interface retrieving from the storage the data

concerning the telephone number.

Guercio teaches retrieving from the storage the data concerning the telephone

number stored in association with the message (column 4, lines 24-42).

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to use the control unit that search all entries of the table in the

control memory for a telephone number of Guercio in the switch to extract the callback

number of Corlett.

The modification of the invention would offer the capability of a control unit that

search all entries of the table in the control memory for a telephone number such as the

system would store telephone numbers and associated voice messages.

4.   **Claims 4, 14, 21-22, 28, 37 and 44-45** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Corlett in view of Guercio and in further view of Hammond (US

5,155,761).

Regarding **claims 4, 14, 22, 28, 37 and 45**, Hammond teaches wherein the

telephone number is derived from an automatic number identifier (column 4, lines 51-

56).

Regarding **claims 21 and 44**, Hammond teaches an operator assisting the

customer to obtain the information (column 5, lines 25-40).

Response to Arguments

5.   Applicant's arguments with respect to **claims 1-47** have been considered but are

moot in view of the new ground(s) of rejection.

The Applicant stated on page 12, ¶ 3 that Corlett teaches away from the claim

invention by having the switch provide the termination telephone numbers for previous

calling party.

The Examiner respectfully disagrees.

Corlett discloses on FIG. 4B that the system plays a first message to the called

party including the information from the calling party for the caller to decide whether to

callback or not.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-

0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for

the organization where this application or proceeding is assigned are (703) 872-9314 for

regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

4750.

g.g.
September 22, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600